

# Exhibit 1

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3

4 -----x

5 DONNA WOOD, et al, individually  
6 and on behalf of all others  
7 similarly situated,  
8 Plaintiffs,

9 vs. 20 Civ. 2489 (LTS) (GWG)

10 MIKE BLOOMBERG 2020, INC.,  
11 Defendant.  
12 -----x

13  
14 VIDEOTAPE DEPOSITION OF  
15 ALEXANDRA WHEATLEY-DIAZ  
16 VIA ZOOM VIDEOCONFERENCE

17 November 11, 2022

18 7:16 a.m. PST  
19  
20  
21  
22  
23

24 Reported by:

25 Maureen Ratto, RPR, CCR

1 ALEXANDRA WHEATLEY-DIAZ

2 to be a reason as to why we had to work  
3 more than 40 hours.

4 Q. And you had to get that  
5 approved in order to get paid; is that  
6 your testimony?

7 A. No. We had to get approved in  
8 order to work more than 40 hours.

9 Q. And during the time that you  
10 worked for the Bloomberg Campaign, you  
11 continued to work for Genex; is that  
12 right?

13 A. That is correct.

14 Q. And how many hours a week did  
15 you work for Genex while you were working  
16 for the Campaign?

17 A. I can't confirm the amount of  
18 time, but it was a good portion of my day  
19 -- or a good -- incorrect to say that.

20 It was -- I can't -- I can't  
21 recall the exact amount of time but it  
22 was certainly five hours -- about  
23 approximately anywhere from five hours a  
24 day, sometimes more, depending on how --  
25 when I had to be at the Bloomberg office.

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2 times, 50 times. I couldn't give you a  
3 number to the exact amount but it was  
4 certainly a lot.

5 Q. What did you do at home?

6 A. Primarily phone banking and  
7 most -- and sometimes the text messages.

8 Q. Now, you understand that you  
9 are being offered as a class  
10 representative in this case; is that  
11 right?

12 A. That is right.

13 Q. What does that mean to you?

14 A. That means that I represent a  
15 group of people in the State of  
16 California.

17 Q. And what do you understand  
18 your responsibilities to be as a class  
19 representative?

20 A. That I am available, that I am  
21 cooperative and that I have the time and  
22 willingness to be a part of this case.

23 Q. There was a period of time  
24 during the pendency of this case when you  
25 had indicated that you no longer wanted

1 ALEXANDRA WHEATLEY-DIAZ

2 to be a class representative; is that  
3 correct?

4 MS. COLE-CHU: Objection to  
5 form.

6 A. That is incorrect.

7 Q. What's incorrect about my  
8 question?

9 A. It was not that I did not want  
10 to be a part of, it was that I was unable  
11 to.

12 Q. And why were you unable to?

13 A. I spoke with my lawyer or my  
14 attorneys in regards to this and it was  
15 discussed that I should not proceed at  
16 that time.

17 Q. And what was the reason that  
18 you should not proceed?

19 MS. COLE-CHU: Objection. I'm  
20 just going to caution the witness  
21 not to disclose any confidential  
22 communications that she had with  
23 her attorneys.

24 Q. To be clear, I'm not asking  
25 you to tell me what you spoke to about

1 ALEXANDRA WHEATLEY-DIAZ

2 attorneys about.

3 What I am asking you for,  
4 though, is the reason why you believed  
5 you were unable to continue as a class  
6 representative?

7 MS. COLE-CHU: Objection. I'm  
8 going to caution the witness not to  
9 disclose any confidential  
10 communications that happened  
11 between her and her attorneys.

12 To the extent that you're able  
13 to provide any reasons that are not  
14 confidential or privileged, you  
15 may.

16 A. I just -- I began a new job.

17 Q. When did you begin that job?

18 A. In May of 2020 -- 2021. Sorry.

19 Q. And what was that job?

20 A. VanRein Compliance as an  
21 account manager.

22 Q. What was it about that job  
23 that you thought made you unable to  
24 continue as a class representative?

25 A. It wasn't necessarily the job,

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2 Q. And what was it that made you  
3 think that you were able to resume as a  
4 class representative?

5 A. I understood what was needed  
6 and I knew that I could, based on where  
7 I'm at in my position in my life, that I  
8 could show up and represent this class in  
9 the way that it needed and deserved.

10 Q. Now, do you still have the job  
11 at -- VanRein, did you call it?

12 A. The company is called VanRein  
13 Compliance. And yes, I do still have  
14 that position.

15 Q. Has your position changed at  
16 all?

17 A. I've been given more  
18 responsibility but not necessarily has it  
19 changed in its -- in its -- I mean, the  
20 company is always changing, the position  
21 is always changing, so that's a pretty  
22 broad question, but the position that I  
23 currently hold is still the same, yes.

24 Q. But you said you've been given  
25 more responsibility; is that right?

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2 this date for identification.)

3 MS. COLE-CHU: Elise, we've  
4 been going more than an hour. When  
5 you reach a convenient stopping  
6 place, if we could take a break.

7 MS. BLOOM: I'm going to ask  
8 her about the exhibit and when I'm  
9 done then we can take a break.  
10 That would be fine.

11 CONCIERGE: Wheatley 3 has  
12 been marked.

13 MS. BLOOM: And you can  
14 publish it on the screen also,  
15 please.

16 Q. Let me know when you've had a  
17 chance to review it.

18 A. I've had a chance to review  
19 it.

20 Q. If you can go to the top of  
21 Exhibit 3, please. Outten & Golden, those  
22 are your lawyers in this case, correct?

23 A. Correct.

24 Q. And this letter is dated  
25 October 19th of 2020, correct?



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2 A. Correct.

3 Q. And do you see my name on  
4 there, Proskauer Rose, that was a letter  
5 that was sent to me by your lawyers on  
6 October 19th of 2020, correct?

7 A. Correct.

8 Q. And I'd like to direct your  
9 attention to the second paragraph on the  
10 first page. It says, "Plaintiffs write to  
11 notify Defendant that they intend to  
12 amend the Complaint. First, Plaintiffs  
13 plan to substitute the California class  
14 representative currently Alexandra Marie  
15 Wheatley-Diaz with Robbins Ceppos." Do  
16 you see that?

17 A. Yes.

18 Q. So on October of 2020 we were  
19 informed that you -- that your counsel  
20 was going to substitute you out as a  
21 class representative.

22 What was it in October of 2020  
23 that caused you not to want to continue  
24 as a class rep?

25 MS. COLE-CHU: Objection.

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2 A. I don't recall at that time,  
3 that specific time.

4 Q. But it clearly wasn't the  
5 position that you got at VanRein in May  
6 of 2021; isn't that right?

7 MS. COLE-CHU: Objection,  
8 objection to form.

9 A. I don't feel -- I'm going to  
10 have to pause on that. Do I have to  
11 respond at this moment in time? Can I  
12 come back to that?

13 Q. You do. You need to respond.

14 A. Like I said before, it was  
15 just decided at that time between my  
16 attorneys and I that it was not the right  
17 time for me to keep moving forward. I  
18 thought it was my position, like, this  
19 was two years ago, two, three years ago,  
20 so that -- I was under the understanding  
21 that that was the reason why at that time  
22 but those conversations were between my  
23 attorney and I at that time.

24 Q. You said that you wanted to  
25 come back to this question. What was it

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2 that you were going to do to try to  
3 refresh your memory so you can refresh  
4 your memory?

5 MS. COLE-CHU: Objection to  
6 form.

7 A. I just needed a minute to kind  
8 of comprehend or bring myself back to  
9 that timeframe to answer.

10 Q. Okay. So I'm -- have you  
11 brought yourself back to October of 2020  
12 now?

13 MS. COLE-CHU: Objection.

14 A. That was such a long time ago.  
15 Yeah, I just want to stick with that  
16 statement, that my attorneys and I  
17 discussed me being able to proceed and --  
18 or -- I'm sorry, my attorneys and I  
19 discussed whether or not I had the time  
20 to be the class representative at that  
21 time and it was decided that I -- I  
22 didn't have the time to give to this.

23 Q. But it wasn't the new job at  
24 VanRein which you got in May of 2021,  
25 correct?

1 ALEXANDRA WHEATLEY-DIAZ

2 MS. COLE-CHU: Objection to  
3 form.

4 A. At that time I was still  
5 looking for other positions. We were in  
6 the height of COVID and I don't believe  
7 that I -- I did not have the time to give  
8 to this case that it deserves.

9 Q. Well, I just want to make sure  
10 I understand the timeframe clearly. You  
11 didn't start working at VanRein until May  
12 of 2021, correct?

13 A. Correct.

14 Q. And in October of 2020 you  
15 were still working for Genex, correct?

16 A. I was.

17 MS. COLE-CHU: Objection to  
18 form.

19 Q. And the position was still a  
20 remote position, correct?

21 A. It was, yes.

22 Q. Do you know Robin Ceppos?

23 A. I know who she is, yes.

24 Q. How do you know her?

25 A. I met her working at the

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2 In terms of the hours that you  
3 devoted, that you spent on the Campaign  
4 when you were working as a field  
5 organizer in the month of January, how  
6 many hours a week did you work for the  
7 Campaign?

8 A. In January I worked every day.  
9 I'd have to sit with a calculator to  
10 measure the time but it was well over  
11 right away 40 hours. I worked all day  
12 Saturday and Sunday and I worked  
13 generally between 10 to 12 Monday through  
14 Friday ending at about 9:00.

15 Q. I'm sorry. You said you worked  
16 between 10 to 12 Monday through Friday?

17 A. I usually got to the office  
18 when the office opened. The opening of  
19 the office varied, so that some days it  
20 was 10, 11 or 12. It just depended on  
21 when the office opened, it depended on if  
22 we had a meeting that day and it depended  
23 on my job -- my other job as well. So it  
24 was generally between 10 and 12 that I  
25 got to the office.

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2 Q. Okay. And how many hours in  
3 January per week were you working for  
4 your other job?

5 A. I cannot say for certain the  
6 amount of hours but anywhere between -- I  
7 cannot -- I couldn't say for certain on  
8 the record the amount of hours.

9 Q. Well, approximately how many?

10 A. Maybe, approximately, like, 30  
11 hours, 35.

12 Q. 35 hours a week?

13 A. Approximately.

14 Q. And how many hours a week for  
15 the Campaign during that time?

16 A. Like I said, if I got there to  
17 the office between 10 and 11 --  
18 generally, it was between 11 or 12 and  
19 then I would leave around 9, 8, 9,  
20 sometimes 10, depending on the day. Like  
21 Fridays and then on weekends it was  
22 typically in the morning all the way to  
23 the nighttime on Saturday and Sunday.

24 Q. And it's your testimony that  
25 you worked every Saturday and Sunday for

1 ALEXANDRA WHEATLEY-DIAZ

2 the Campaign in January?

3 A. In the month of January when I  
4 was hired, from when I was hired I did  
5 work those weekends. And if I -- I'd have  
6 to look at a calendar to see for sure  
7 what weekends those were and when I  
8 actually began, because that is something  
9 that I don't necessarily recall the exact  
10 date, so...

11 Q. And there were some weekends  
12 that you couldn't work because of your  
13 other job, correct?

14 MS. COLE-CHU: Objection to  
15 form.

16 A. That's not correct. I did not  
17 ever not work a weekend.

18 Q. Could you ever not work a  
19 weekend day, meaning Saturday or Sunday,  
20 when you worked for the Campaign?

21 A. No, I worked every Saturday  
22 and Sunday for the Campaign.

23 Q. Okay. In February and March  
24 also?

25 A. Correct, yeah.

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2 Q. Okay. And it's your testimony  
3 here today that you never, during the  
4 entire time you worked for the Campaign,  
5 you worked every single Saturday and  
6 Sunday?

7 A. To the best of my knowledge,  
8 that is true, that I remember, and that I  
9 recall. I do not recall ever not working  
10 those weekends and I'm also uncertain of  
11 when we stopped working in March. So  
12 depending on when the last day was in  
13 March and when the first day was that I  
14 started working in January, and to the  
15 best of my knowledge, I recall working  
16 all those weekends.

17 Q. In the month of February how  
18 many hours a week did you work for the  
19 Campaign?

20 A. It was the same that I worked  
21 in January. I'd have to get a calculator  
22 to calculate the amount of time but, like  
23 I said, if we were on the latter side,  
24 between 12 every day, you know, 10 --  
25 generally between 12, leaving the office



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2 Q. And in the month of February,  
3 how many hours a week did you work for  
4 Genex?

5 A. I would say it was the same. I  
6 can't -- I can't state for certain the  
7 amount of hours.

8 Q. So about 35 hours a week, is  
9 that your testimony?

10 A. That's my testimony.

11 Q. And when you were working for  
12 Genex, did you ever do any of that work  
13 when you were at the Bloomberg Campaign?

14 A. There were instances where I  
15 was allowed to come to the office to --  
16 and I was allowed to work my other job so  
17 I could immediately start working the  
18 Bloomberg job at a specified time.

19 Q. And do you have any records of  
20 that?

21 A. That was just a verbal  
22 agreement given by my ROD and me.

23 Q. And I assume that Genex would  
24 have records of the hours that you worked  
25 and how much you were paid, correct?

1 ALEXANDRA WHEATLEY-DIAZ

2 A. I cannot say for certain.

3 MS. COLE-CHU: Objection to  
4 form.

5 Q. And in March, how many hours a  
6 week did you work for Genex?

7 A. I would say it was the same  
8 amount.

9 Q. And for the Campaign?

10 A. It was -- I can't say for  
11 certain because I don't recall, like,  
12 when things ended or, like, when the  
13 company -- when we stopped being  
14 employed, but it was -- there was  
15 definitely an increase in how much we  
16 were working in March.

17 Q. And you still were working  
18 your 35 hours a week for Genex?

19 A. That I recall, that is  
20 correct.

21 MS. BLOOM: If we can show the  
22 witness what's under tab 72 and  
23 mark it as Exhibit 11? It's  
24 P008132.

25 (Wheatley Exhibit 11, email

1 ALEXANDRA WHEATLEY-DIAZ

2 back on the record. The time is

3 12:33 p.m.

4 EXAMINATION BY MS. COLE-CHU:

5 Q. Ms. Wheatley, what were your  
6 primary job duties as a field organizer  
7 for the Mike Bloomberg Campaign?

8 A. My primary duties were to  
9 canvass when asked and to phone bank and  
10 to work events when necessary.

11 Q. So looking specifically at  
12 canvassing and phone banking, what  
13 percentage of your overall job duties,  
14 while employed by the Mike Bloomberg  
15 Campaign as a field organizer, were you  
16 canvassing and phone banking?

17 A. It depended on the month but  
18 in the month of January and February we  
19 were primarily phone banking, with the  
20 occasional canvassing at a rate of about  
21 20%. When March hit we were approximately  
22 -- it was pretty 50/50, like half the day  
23 would be, depending on the day,  
24 canvassing and the other half would be  
25 phone banking. Some days it would

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2 primarily just be phone banking. And  
3 when I say phone banking I also mean text  
4 messages and the auto-dial.

5 Q. When you look at those job  
6 duties combined, canvassing and phone  
7 banking, as a percentage of your overall  
8 job duties while working for the  
9 Campaign, what percentage of your overall  
10 job duties were canvassing and phone  
11 banking?

12 A. I would say 98% of it.

13 Q. We looked at an email. Do you  
14 mind pulling up Exhibit 12 and taking a  
15 look at that with me?

16 A. Oh, yes.

17 MS. BLOOM: Can you put it on  
18 the screen, please? Could the  
19 Concierge put that on the screen?  
20 Thanks.

21 Q. Do you have the exhibit in  
22 front of you, Ms. Wheatley?

23 A. I do.

24 Q. This is Exhibit 12, an email  
25 sent by you to Jonathan Salvador and the

## C E R T I F I C A T E

I, MAUREEN M. RATTO, a  
Registered Professional Reporter, do  
hereby certify that prior to the  
commencement of the examination,  
ALEXANDRA WHEATLEY-DIAZ was sworn by me  
to testify the truth, the whole truth  
and nothing but the truth.

I DO FURTHER CERTIFY that the  
foregoing is a true and accurate  
transcript of the proceedings as taken  
stenographically by and before me at  
the time, place and on the date  
hereinbefore set forth.

I DO FURTHER CERTIFY that I am  
neither a relative nor employee nor  
attorney nor counsel of any of the  
parties to this action, and that I am  
neither a relative nor employee of such  
attorney or counsel, and that I am not  
financially interested in this action.



MAUREEN M. RATTO, RPR

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